



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.885 of 2023

Appukutty

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
(Crime No.176/2022).

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.176/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 20.12.2022 for the offence punishable under Sections 406, 420, 506(i) IPC in Crime No.176 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Vadivel is that the accused, who was working under him, had misappropriated 96 grams of gold jewels and Rs.2 lakhs cash from him. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that there was financial dispute between the petitioner and the defacto complainant due to which a false complaint has been lodged. He would also submit that without prejudice to his rights and contentions to show his



bonafides, the petitioner is ready and willing to deposit Rs.50,000/- to the credit of crime number before the court. He would also submit that the petitioner is in judicial custody from 20.12.2022 and hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was working under the defacto complainant, who is the jeweller and he had misappropriated 96 grams of jewels and Rs.2 lakhs from him. The learned Additional Public Prosecutor would also submit that the petitioner had been dragging the case on the assurance that he will settle the amount but he has not settled. Hence, he opposed for grant of bail to the petitioner.

5. Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruppathur, Sivagangai District, and on further conditions that:

(b) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No. 176 of 2022 before the learned Judicial Magistrate, Thiruppathur, Sivagangai District, without prejudice to his rights and contentions before the trial Court.

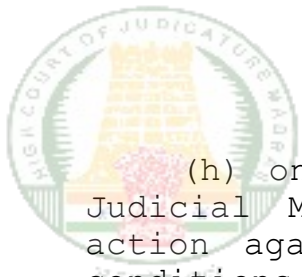
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness or influence any investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/01/2023

/ TRUE COPY /

20/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.GAYATHRI N, Advocate (SR-895[I] dated 20/01/2023)

ORDER
IN
CRL OP(MD) No.885 of 2023
Date :20/01/2023

CM
MK/SSS/SAR (20.01.2023) 3P 7C